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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/807,906      | 07/09/2001  | Roger J. Talish      | 41482/205539        | 7411             |

30559 7590 03/09/2006

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EXAMINER

ISABELLA, DAVID J

ART UNIT PAPER NUMBER

3738

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. <span style="float: right;">C</span> |
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| ART UNIT | PAPER |
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20060302

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Commissioner for Patents

See attached Paper.

  
DAVID J ISABELLA  
Primary Examiner  
Art Unit: 3738

The reply filed on 7/28/2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicant correctly responded to the restriction to the different inventions as claimed. Applicant elected group I directed to a bone prosthesis and includes claims 1-31 and 35-39. However with respect to the election of species, examiner has broken down the species as directed to the following patentably distinct species of the claimed invention: Figure 1 ; Figure 2A; Figure 3, Figure 4, Figure 5A; Figure 5B; Figure 6A;; Figure IOA, Figure IOB, Figure IOC, Figure 10D, Figure IOE, Figure IOF, Figure IOG, Figure IOH, Figure 10I., Figure IOJ, Figure 11A; Figure 12A; and Figure 13A. The species were set forth according to applicant's specification see description of the drawings which clearly sets forth the various embodiments of the various prosthesis.

Applicant incorrectly elected figures 7A-7E. It is clear that each species disclosed in Figure 7A; Figure 7B; Figure 7C; Figure 7D; Figure 7E, respectively are distinct from each other. Applicant should elect a single embodiment and list all claims readable on the elected embodiment.


See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 3738

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. ISABELLA whose telephone number is 571-272-4749. The examiner can normally be reached on MONDAY-FRIDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CORRINE MCDERMOTT can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID J ISABELLA  
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DJI  
3/2/2006